

REMARKS

The Office Action considers the present application to include the following species:

Species IA	-	Figures 1 to 3
Species IB	-	Figure 4
Species IIA	-	Figure 5
Species IIB	-	Figure 6

The Office Action contends that the alleged species lack unity of invention.

Applicants respectfully **traverse** for at least the following reasons.

The present application is the national stage of PCT International Patent Application No. PCT/DE03/03920. As stated, for example, in M.P.E.P. § 1850, “[u]nity of invention has to be considered in the first place **only in relation to the independent claims . . . and not the dependent claims**” (emphasis added). The present application includes a single independent claim, i.e., claim 10. As such, it is improper at this stage to consider there to be a lack of unity of invention in the present application. That is, it is only proper to determine whether unity of invention exists a posteriori, i.e., only after assessment of the prior art. Accordingly, withdrawal of the alleged lack of unity of invention is respectfully requested.

Notwithstanding the foregoing traverse and to the extent that the alleged lack of unity of invention may be maintained, applicants provisionally elect “Species 1A,” i.e., Figures 1 to 3. Claims 10 to 16, 18, 20, and 21 correspond to the elected “species.” At least claims 10 to 15, 20, and 21 are generic to multiple “species.”

Respectfully submitted,

Date: January 9, 2008

By: /Clifford A. Ulrich/
Clifford A. Ulrich
Reg. No. 42,194

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO. 26646